

**Scenic Hudson, Inc.**  
One Civic Center Plaza, Suite 200  
Poughkeepsie, NY 12601-3156  
Tel: 845 473 4440  
Fax: 845 473 0740  
email: info@scenichudson.org  
www.scenichudson.org



**Statement of**

**Shari Calnero  
Environmental Associate  
Scenic Hudson, Inc.**

**Department of Commerce**

**Millennium Pipeline**

**November 13, 2002**

---

Good morning, my name is Shari Calnero. I am an Environmental Associate for Scenic Hudson, a 39-year-old nonprofit environmental organization and separately incorporated land trust dedicated to protecting and enhancing the scenic, natural, historic, agricultural and recreational treasures of the Hudson River and its valley. To date we have protected 17,700 acres of land in 10 counties and created or enhanced 28 parks and preserves for public enjoyment.

Our very beginnings are rooted in the legendary 17-year battle to oppose the construction of a hydroelectric plant on the Hudson Highlands' Storm King Mountain, which serves as the foundation of U.S. environmental law. For virtually our entire 39-year history, we have been involved, in a number of fora, advocating for the protection of Hudson River fisheries and specifically the impacts that power plants, pipe lines and other industrial facilities have on these resources.

Scenic Hudson urges to the U.S. Secretary of Commerce to uphold the New York State Department of State's finding that the Millennium Pipeline proposal is inconsistent with New York State's Coastal Management Program.

The U.S. Secretary of Commerce has the authority to override the Department of State's inconsistency determination if the Secretary finds that the Millennium project is either consistent with the objectives and purposes of the federal Coastal Zone Management Act or is necessary in the interest of national security.

Based upon our review of the impacts to the Hudson River Estuary associated with the Millennium project, Scenic Hudson has concluded that the project, in its present form, is neither consistent with the federal Coastal Zone Management Act nor necessary in the interest of national security. For these reasons, this appeal should be dismissed.

Scenic Hudson has evaluated the potential harm against the future benefits of such a proposal and has concluded that this proposal does not serve a national interest great enough to outweigh the irrevocable damage to the Hudson River and its precious resources.

Scenic Hudson agrees with the Department of State that The Millennium project is inconsistent with several policies contained in New York State's Coastal Management Program; and, therefore by association it is inconsistent with the federal Coastal Zone Management Act as well.

Contrary to Millennium's position, neither the CZMA nor New York State's approved Coastal Management Program give "priority status" to the siting of energy facilities. Rather, New York's Coastal Management Program Policy 27 ensures that decisions on the siting of energy facilities in coastal areas will consider and balance public energy needs, the compatibility of facilities with the environment and the facilities need for a coastal location.

Specifically, Scenic Hudson agrees that the Millennium project is inconsistent with Coastal Management Program Policy 7, which provides that in any activities affecting coastal areas:

"Significant Coastal Fish and Wildlife Habitats will be protected, preserved, and where practicable, restored so as to maintain their viability as habitats."

The Millennium Company seeks to construct a pipeline that will cross the Hudson River at Haverstraw Bay in Rockland County. New York State has designated Haverstraw Bay as a Significant Coastal Fish and Wildlife Habitat. The Bay is perhaps one of the most important fish and wildlife habitats in the Hudson River Estuary for the following reasons:

- a. Haverstraw Bay is a salt front, which is a critical location in any estuarine habitat.
- b. The Bay is designated as an "irreplaceable" habitat for American shad, white perch, Atlantic sturgeon, and blue claw crab and many other species of fish.
- c. The Bay has the most extensive area of shallow estuarine habitat in the lower Hudson River;
- d. The shortnose sturgeon, which is a federally recognized endangered species, has found a home in this particular stretch of the Hudson;
- e. The Bay is also a recognized foraging area for the threatened bald eagle.

Having been designated a Significant Coastal Fish and Wildlife Habitat, Haverstraw Bay is afforded the highest ecosystem values and protection by New York State. Certainly this Bay is far more delicate and ecologically productive than the alternative crossing locations that have not been given proper consideration in this siting process.

Scenic Hudson agrees that the Millennium project is also inconsistent with New York State Coastal Management Program Policy 35, which provides that any activity involving dredging in a coastal area :

"will be undertaken in a manner that meets existing state dredging permit requirements, and protects Significant Fish and Wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands."

Nevertheless, Millennium proposes to dredge, trench, and blast through the benthic strata of the Haverstraw Bay. These activities will permanently destroy 20 acres of significant habitat and seriously degrade more than 108 acres of habitat.

This dredging process, even with proposed mitigation measures, will certainly have a significant temporary, if not permanent, impact on the Haverstraw Bay. Furthermore, the Millennium proposal ignores the recommendation of U.S. Fish and Wildlife Service that the dredging be done, if at all, in a cofferdam.

In conclusion, I would like to reiterate that Scenic Hudson asserts that the pipeline crossing through this delicate part of a significant estuary will result in irrevocable damage to the Hudson River and its precious resources. We urge you to uphold the New York State Department of State's findings and protect this resource.